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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 ARTURO TORRES OCHOA,

10 Plaintiff,

11 vs.

12 R. HEALER, et al.,

13 Defendants.
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Case No. 3:13-cv-00418-RCJ-VPC

ORDER

15 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, see 28
16 U.S.C. § 1915(h), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. The court
17 dismisses this action because plaintiff did not pay the filing fee, nor did he submit an application to
18 proceed in forma pauperis with a financial certificate and a copy of his inmate account statement, as
19 required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2. Based upon review of the file, it does
20 not appear that a dismissal without prejudice would affect materially the timeliness of a promptly
21 filed new action.¹

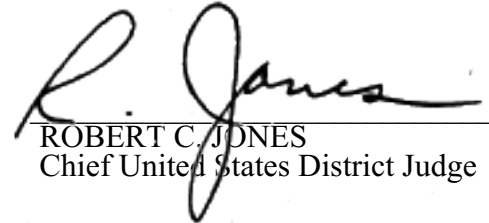
22 IT IS THEREFORE ORDERED that the clerk of the court shall send plaintiff a blank form
23 for an application to proceed in forma pauperis for incarcerated litigants and a blank civil rights
24 complaint form with instructions.

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27 ¹Plaintiff alleges that the events occurred on July 23-26, 2013. The two-year period of
28 limitation applicable to civil rights actions pursuant to 42 U.S.C. § 1983 will not expire for almost
two years. See Nev. Rev. Stat. § 11.190(4)(e). See also Perez v. Seevers, 869 F.2d 425, 426 (9th
Cir. 1989) (per curiam).

1 IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice to plaintiff's
2 commencement of a new action in which he either pays the filing fee in full or submits a complete
3 application to proceed in forma pauperis, accompanied by a signed financial certificate and a
4 statement of his inmate account. The clerk of the court shall enter judgment accordingly.

5 Dated: August 21, 2013.

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8 ROBERT C. JONES
9 Chief United States District Judge
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